IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

Crl.MC.No. 1938 of 2007()

SC.6/2007 of SPL. COURT (NDPS ACT CASES), THODUPUZHA

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PETITIONER: PETITIONER

MUTHAPPAN,S/O.SUBRAMANIAN,K.D.H.VILLAGE
EDAMALAKUDIKARAYIL,ANDAVANKUDI,
ASALAPPADI,MGP 1/588,IDUKKI.

BY ADV. SRI.V.K.SUNIL

RESPONDENTS: RESPONDENT

STATE OF KERALA REP.BY THE
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P. SRI.M.S. BREEZ.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ALONG WITH CRMC NO.1938/07 ON 26/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NOs. 1938 & 1939 OF 2007

Dated this the 26th day of June, 2007

ORDER

The grievance of the petitioners is that warrants of arrest have been issued against them unnecessarily. The cases were posted for hearing on the question of framing charge and the learned Special Judge had issued non-bailable warrants dismissing the applications for condoning the absence of the petitioners.

2. I am certainly of opinion that on a day when the cases were posted for hearing on the question of framing charge, the presence of the petitioners through counsel is more than sufficient and it is not necessary for the courts to insist on the personal presence of the accused on such dates when they are represented by their counsel.

3. Be that as it may, no further action appears to be necessary in these petitions considering the report submitted by the learned Special Judge.

4. These Crl.M.Cs. are, in these circumstances, dismissed as agreed.

Sd/-
(R. BASANT, JUDGE)

Nan/

//true copy//

P.S. to Judge

R. BASANT, J.

CRL.M.C.NO. 1938 OF 2007

Dated this the 15th day of June, 2007

ORDER

The short grievance of the petitioner is that on a day when the personal appearance of the petitioner was not necessary and on which day he was absent for reasons beyond his control, though an application to excuse his absence was filed by his counsel, the learned Special Judge rejected the application for no valid reason. The matter was posted for hearing on the question of charge and therefore the learned counsel could have proceeded with the matter in the absence of the accused.

2. Call for a report from the learned Special Judge as to the circumstances under which the petition was dismissed. A copy of the order passed on the application shall also be made available to this Court. Call on 25/6/07.

3. The warrant issued against the petitioner shall not be executed till that date. He shall appear before the learned

Special Judge on the next date of posting to continue the proceedings.

(R. BASANT, JUDGE)

Nan/